

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

ALLIANCE FOR THE WILD  
ROCKIES,

Plaintiff,

vs.

NATHAN GASSMANN, District  
Ranger, Kootenai National Forest,  
Libby Ranger District; CHAD  
BENSON, Forest Supervisor, Kootenai  
National Forest; KEITH LANNOM,  
Deputy Regional Forester, U.S. Forest  
Service Region One; U.S. FOREST  
SERVICE; and U.S. FISH &  
WILDLIFE SERVICE,

Defendants,

and

AMERICAN FOREST RESEARCH  
COUNCIL, LINCOLN COUNTY, and  
KOOTENAI FOREST  
STAKEHOLDERS COALITION,

Intervenor-Defendants.

Before the Court is Federal Defendants' Motion to Expedite Consideration  
on Summary Judgment or in the Alternative to Consolidate the May 6, 2022  
Hearing with a Hearing on the Merits. (Doc. 52.) The motion states that "the  
Forest Service has agreed to defer new road construction, timber harvest, and other

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activities authorized by the Project until July 5, 2022.” (*Id.* at 3.) The motion requests that the Court vacate the hearing set for May 6 and set a hearing on the parties’ pending cross-motions for summary judgment later in May. (*Id.*) In the alternative, the motion requests that the Court consolidate the May 6 hearing with a hearing on the parties’ cross-motions for summary judgment. (*Id.* at 3–4.) The motion also requests that the hearing be moved to a later date in May, and, if that request is granted, to extend Defendants’ response deadline. (*Id.* at 5–6.) Plaintiffs oppose the motion. (*Id.* at 4–5.) Intervenor-Defendants do not oppose. (*Id.* at 5.)

The motion will be denied. Although the Court appreciates Defendants’ flexibility concerning the commencement of project operations, the Court’s calendar cannot accommodate a rescheduled hearing date later in May. The Court will not consolidate the May 6 hearing with a hearing on the parties’ cross-motions for summary judgment, which remain referred to Magistrate Judge DeSoto. The hearing set for May 6 will proceed as scheduled.

Accordingly, IT IS ORDERED that the motion (Doc. 52) is DENIED.

DATED this 3rd day of May, 2022.



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Dana L. Christensen, District Judge  
United States District Court